MONTANA LEGISLATIVE HISTORY

Chapter 349 1981

Bill H _____ S 481 Original bill & history ✓ C

H. Committee on State Admin			S. Committee on State Admin		
Hearing Date(s)	3/12	C	Hearing Date(s)	2/20	C
	3/12	C		✓ 2/20	C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

SB 479 -- CRIPPEN, S. BROWN -- VALIDATING CERTAIN CONVEYANCES OF REAL PROPERTY CONTAINING TECHNICAL DEFECTS.
INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY: 2/13
HEARING: 2/18
REPORT: 2/18, DO PASS
2ND READING: 2/20, DO PASS
3RD READING: 2/24, YEAS: 50

TRANSMITTED TO HOUSE: 2/24
REFERRED TO COMMITTEE ON JUDICIARY: 3/3
HEARING: 3/26
REPORT: 3/27, BE CONCURRED IN, AS AMENDED
2ND READING: 3/31, YEAS: 82; NAYS: 0
ON MOTION, 3/31, RULES SUSPENDED, PLACED ON 3RD READING.
3RD READING: 3/31, YEAS: 94; NAYS: 2

RETURNED TO SENATE WITH AMENDMENTS: 3/31
2ND READING: 4/10, BE CONCURRED IN
ON MOTION, 4/11, RULES SUSPENDED, PLACED ON 3RD READING
3RD READING: 4/11, YEAS: 43; NAYS: 5

TRANSMITTED TO GOVERNOR: 4/16/81
ACTION: 4/21, SIGNED
CHAPTER 476

SB 480 -- HEALY, HAFFEY, STIMATZ -- REESTABLISHING AND REVISING THE BOARD OF HEARING AID DISPENSERS.
INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH: 2/13
HEARING: 2/19
REPORT: 2/21, ADVERSE REPORT ADOPTED -- YEAS: 38; NAYS: 9
ON MOTION, 2/21, RECONSIDERED AND PLACED ON 2ND READING
2ND READING: 2/24, YEAS: 46; NAYS: 4
3RD READING: 2/25, YEAS: 42; NAYS: 6

TRANSMITTED TO HOUSE: 2/25
REFERRED TO COMMITTEE ON HUMAN SERVICES: 3/3
HEARING: 3/20
EXECUTIVE ACTION: 3/27
REPORT: 3/27, BE CONCURRED IN, AS AMENDED
2ND READING: 3/31, YEAS: 78; NAYS: 6
ON MOTION, 3/31, RULES SUSPENDED AND PLACED ON 3RD READING.
3RD READING: 3/31, YEAS: 85; NAYS: 11

RETURNED TO SENATE WITH AMENDMENTS: 3/31
2ND READING: 4/10, BE CONCURRED IN
ON MOTION, 4/11, RULES SUSPENDED, PLACED ON 3RD READING
3RD READING: 4/11, YEAS: 44; NAYS: 3

TRANSMITTED TO GOVERNOR: 4/15/81
ACTION: 4/20, SIGNED
CHAPTER 444

SB 481 -- STORY -- REPEALING SECTIONS WHICH CREATED THE DIVISION OF EMPLOYMENT SECURITY AND CERTAIN BUREAUS WITHIN THE DIVISION.
INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 2/13
HEARING: 2/20
REPORT: 2/20, DO PASS
2ND READING: 2/24, DO PASS
3RD READING: 2/25, YEAS: 48; NAYS: 0

TRANSMITTED TO HOUSE: 2/25
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 3/3
HEARING: 3/12
REPORT: 3/12, BE CONCURRED IN, AS AMENDED
2ND READING: 3/26, YEAS: 80; NAYS: 0
3RD READING: 3/28, YEAS: 91; NAYS: 1

RETURNED TO SENATE WITH AMENDMENTS: 3/28
2ND READING: 4/3, BE CONCURRED IN
3RD READING: 4/6, YEAS: 48; NAYS: 0

TRANSMITTED TO GOVERNOR: 4/9/81
ACTION: 4/13, SIGNED
CHAPTER 349

SB 482 -- STIMATZ -- PROVIDING FOR THE DEFINITION OF "GEOLOGY" TERMS AND ITS USES
INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES: 2/14
HEARING: 2/18
REPORT: 2/21, ADVERSE REPORT ADOPTED -- YEAS: 35; NAYS: 12
-- KILLED

SB 483 -- SENATE TAXATION COMMITTEE -- CLARIFYING CLASSIFICATION OF LANDS AND IMPROVEMENTS FOR PURPOSES OF PROPERTY TAXATION.
INTRODUCED AND REFERRED TO COMMITTEE ON TAXATION: 2/14
HEARING: 2/21
REPORT: 2/21, DO PASS AS AMENDED -- STATEMENT OF INTENT ATTACHED
2ND READING: 2/25, YEAS: 31; NAYS: 13
ON MOTION, 2/25, RULES SUSPENDED, PLACED ON 3RD READING
3RD READING: 2/25, YEAS: 38; NAYS: 11

TRANSMITTED TO HOUSE: 2/25
REFERRED TO COMMITTEE ON TAXATION: 3/3
HEARING: 3/17
REPORT: 4/2, BE CONCURRED IN, AS AMENDED
2ND READING: 4/6, AS AMENDED -- YEAS: 71; NAYS: 24
ON MOTION, 4/6, RULES SUSPENDED, PLACED ON 3RD READING.
3RD READING: 4/6, YEAS: 63; NAYS: 31

RETURNED TO SENATE WITH AMENDMENTS: 4/6
2ND READING: 4/10, BE NOT CONCURRED
ON MOTION, 4/13, REFERRED TO CONFERENCE COMMITTEE

JOINT CONFERENCE COMMITTEE REPORT NO. 1: 4/16
SENATE
2ND READING: 4/17, BE CONCURRED IN
ON MOTION, 4/17, RULES SUSPENDED, PLACED ON 3RD READING
3RD READING: 4/17, YEAS: 46; NAYS: 2

HOUSE
2ND READING: 4/21, MOTION TO REJECT THE REPORT
YEAS: 70; NAYS: 20
ON MOTION, 4/21, CONFERENCE COMMITTEE DISSOLVED
FREE CONFERENCE COMMITTEE APPOINTED.

FREE CONFERENCE COMMITTEE REPORT NO. 1: 4/23
SENATE
2ND READING: 4/23, BE CONCURRED IN
3RD READING: 4/23, YEAS: 44; NAYS: 4

SENATE BILL NO. 481

INTRODUCED BY STORY

BY REQUEST OF THE SENATE COMMITTEE ON STATE ADMINISTRATION

IN THE SENATE

ebruary 13, 1981	Introduced and referred to Committee on State Administration.
ebruary 20, 1981	Committee recommend bill do pass. Report adopted.
ebruary 21, 1981	Bill printed and placed on members' desks.
ebruary 24, 1981	Second reading, do pass.
ebruary 25, 1981	On motion rules suspended. Bill placed on calendar for third reading this day.
	Third reading, passed. Ayes, 48; Noes, 0. Transmitted to House.

IN THE HOUSE

arch 3, 1981	Introduced and referred to Committee on State Administration.
arch 12, 1981	Committee recommend bill be concurred in as amended. Report adopted.
arch 26, 1981	Second reading, concurred in.
arch 28, 1981	Third reading, concurred in as amended. Ayes, 91; Noes, 1.

IN THE SENATE

arch 30, 1981	Returned from House with amendments.
ril 3, 1981	Second reading, amendments concurred in.
6, 1981	Third reading, amendments concurred in. Ayes, 40; Noes, 0. Sent to enrolling.
	Reported correctly enrolled.

LC 1455/01

SENATE BILL NO. 481

INTRODUCED BY Story

BY REQUEST OF THE SENATE COMMITTEE ON STATE ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL SECTION 2-15-1703, MCA, WHICH CREATED THE DIVISION OF EMPLOYMENT SECURITY WITHIN THE DEPARTMENT OF LABOR AND INDUSTRY, AND SECTION 39-51-306, MCA, WHICH CREATED CERTAIN BUREAUS WITHIN THE DIVISION; AND TO GENERALLY REVISE LAWS TO CONFORM TO THE REPEALER."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Division of employment security and certain bureaus -- name change. The division of employment security and its bureaus created in 2-15-1703 and 39-51-306 are abolished. Their functions are continued in the department of labor and industry provided for in Title 2, chapter 15, part 17. Unless inconsistent with this act, any reference in the MCA to "division of employment security", "division" (of employment security), or any bureau of the division of employment security, including "Montana state employment service bureau" or "unemployment insurance bureau", is changed to "department of labor and industry" or "department" (of labor and industry). Consistent with the intent of this section and without changing the meaning, the code commissioner shall remove any redundancies caused by such name changes.

Section 2. Section 39-51-307, MCA, is amended to read:

"39-51-307. ~~Division~~ Department to create ~~state~~ employment service. (1) The ~~division~~ department shall ~~create a bureau to be known as the Montana state employment service, which bureau shall~~ establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this chapter and for the purpose of performing such duties as are within the purview of the act of congress entitled, "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113; U.S.C. Title 29, Sec. 49 (c)), as amended. ~~The bureau shall be administered by a full-time salaried director.~~

(2) The ~~division~~ department shall be charged with the duty to cooperate with any official or agency of the United States having power or duties under the provisions of the act of congress, as amended, and to do and perform all things necessary to secure to this state the benefits of the act of congress, as amended, in the promotion and maintenance of a system of public employment offices.

(3) The provisions of the act of congress, as amended,

are hereby accepted by this state in conformity with section 4 of said act, and this state will observe and comply with the requirements thereof. The ~~employment--security--division~~ department is hereby designated and constituted the agency of this state for the purpose of said act. ~~The--division--is directed--to--appoint--the--personnel--of--the-Montana-state employment-service.~~

(4) For the purpose of establishing and maintaining free public employment offices, the ~~division~~ department is authorized to enter into agreements with any political subdivisions of this state or with any private, nonprofit organization and as a part of any such agreement the ~~division~~ department may accept money, services, or quarters as a contribution to the employment service account."

Section 3. Section 39-51-503, MCA, is amended to read:

"39-51-503. Agreements with railroad retirement board. The ~~division~~ department is hereby authorized to cooperate with and enter into agreements with the railroad retirement board with respect to establishment, maintenance, and use of ~~Montana-state~~ employment service facilities and to make available to the railroad retirement board the records of the ~~division~~ department relating to employer's status and contributions received from employers covered by the Railroad Unemployment Insurance Act, together with employee wage records and such other data as the railroad retirement

board may deem necessary or desirable for the administration of the Railroad Unemployment Insurance Act (52 Stat. 1094). Any money received by the ~~division~~ department from the railroad retirement board or any other governmental agency with respect to the establishment, maintenance, and use of ~~state~~ employment service facilities shall be paid into and credited the proper division of the unemployment insurance administration fund set up and established under 39-51-406 and 39-51-407."

Section 4. Section 39-51-2410, MCA, is amended to read:

"39-51-2410. Finality of board's decision -- judicial review. (1) Any decision of the board in the absence of an appeal therefrom as herein provided shall become final 30 days after the date of notification or mailing thereof, except in the case of the ~~division~~ department when such decision becomes final 20 days following the board's decision, and judicial review thereof shall be permitted only after any party claiming to be aggrieved thereby has exhausted his remedies before the board. The ~~division~~ department shall be deemed to be a party to any judicial action involving any such decision and may be represented in any such action by an attorney employed by the ~~division~~ department or at the ~~division's~~ department's request, by the attorney general.

(2) Within 30 days after the date of notification or mailing of the decision of the board, any party aggrieved thereby may secure judicial review thereof by commencing an action in the district court of the county in which said party resides and in which action any other party to the proceeding before the board shall be made a defendant. In such action a petition, which need not be verified but which shall state the grounds upon which a review is sought, shall be served upon the ~~administrator--of--the--division--or--the administrator's~~ commissioner of labor and industry or his designee and such service shall be deemed completed service on all parties, but there shall be left with the party so served as many copies of the petition as there are defendants and the ~~division~~ department shall forthwith mail one such copy to each such defendant.

(3) With its answer, the ~~division~~ department shall certify and file with said court all documents and papers and a transcript of all testimony taken in the matter, together with the board's findings of fact and decision. The board may also in its discretion certify to such court questions of law involved in any decision by it.

(4) Whenever the ~~division~~ department seeks review of a decision of the board, all interested parties shall be served with a copy of its petition together with all documents filed with the court.

(5) In any judicial proceeding under 39-51-2406 through 39-51-2410, the findings of the board as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive and the jurisdiction of said court shall be confined to questions of law. Such action and the questions so certified shall be heard in a summary manner and shall be given precedence over all other civil cases except cases arising under the workers' compensation law of this state.

(6) An appeal may be taken from the decision of the district court to the supreme court of Montana in the same manner, but not inconsistent with the provisions of this chapter, as is provided in civil cases. It shall not be necessary in any judicial proceeding under this section to enter exceptions to the rulings of the board and no bond shall be required for entering such appeal. Upon the final determination of such judicial proceeding, the ~~division~~ department shall enter an order in accordance with such determination."

Section 5. Repealer. Sections 2-15-1703 and 39-51-306, MCA, are repealed.

-End-

 SB 481

47th LEGISLATIVE SESSION

COMMITTEE ON STATE ADMINISTRATION

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
Senate 435	2/11	2/16; 2/19				2/19			
437	2/11	2/16; 2/17			2/17				
441	2/11	2/16			2/19				
455	2/11	2/18				2/18			
464	2/13	2/18; 2/19			2/19				
467	2/14	2/19		2/19					
481	2/14	2/20		2/20					

Use a separate sheet for Senate, House Bills, and Resolutions.

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 20, 1981

The thirty-second meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date, in Room 442 of the State Capitol Building at 10:00 a. m.

ROLL CALL: All members of the committee were present except Senator Allen Kolstad.

CONSIDERATION OF SENATE BILL NO. 481:

"AN ACT TO REPEAL SECTION 2-15-1708, MCA, WHICH CREATED THE DIVISION OF EMPLOYMENT SECURITY WITHIN THE DEPARTMENT OF LABOR AND INDUSTRY, AND SECTION 39-51-306, MCA, WHICH CREATED CERTAIN BUREAUS WITHIN THE DIVISIONS AND TO GENERALLY REVISE LAWS TO CONFORM TO THE REPEALER."

Dave Hunter, Department of Labor, introduced this committee bill making the Employment Security Division in the Department of Labor consistent with the statute containing executive re-organization. This bill will intend to change the discretionary powers from the division to the department.

PROPONENTS: None.

OPPONENTS: Robert Helding, Montana Wood Products Association, stated he would like it to stay in the same department it is and feels it should be separate and distinct. He feels it would be a mistake to interfere and put it in a subordinate position.

Fred Barrett, representing himself, occupation Department of Labor declared he is neither opponent or proponent and expressed concern for his job, claiming misunderstanding and misinterpretation about the integrity of people involved.

Questions of the committee: There were questions from Senator Towe about changing the name from division to department and the possibility of eliminating certain bureaus. Mr. Helding indicated they expected no problems or changes.

Senator Story gave a brief history of how this bill came about and saying the funds have to be handled in the manner that we are protecting the interest of the employer. This will not demoralize or jeopardize anyone.

Senator Hafferman asked Mr. Helding if he thought the Labor Department should be concerned about this bill and why they were not present. He was answered by Senator Story telling that they have been notified but declined to take a position.

ACTION ON SENATE BILL 481: Senator Towe moved a DO PASS: motion carried orally with three dissenting votes: Ryan, Johnson and Hafferman.

ACTION OF SENATE JOINT RESOLUTION 8: Amendments were submitted by John Hollow, committee attorney, discussing their reasons for being drafted. Senator Story said in order to get any benefits from a study there must be more direction to the interim committee. Senator Hafferman moved to adopt the amendments. There was discussion from the committee regarding the need for these amendments and the fact that the grants are both state and federal. Senator Towe doubted that there would be more gain from another review.

Pamphlets on energy were discussed.

Senator Johnson expressed concern that after the grants are given, there is very little tracking. She felt more should be included in the bill. Senator Towe agreed and felt it would cost the state much more plus problems with the community.

There was discussion about including SRS and Health, which might be too broad; also discussed was misuse and the merit of oversight committees.

The first amendments were passed unanimously.

Senator Towe moved amendments on page two dealing with grants of renewable and nonrenewable natural resource and environmental programs. This passed with one dissention--Senator Johnson. See standing committee report for amendments.

Senator Towe moved the bill DO PASS, AS AMENDED: unanimous vote yes.

ACTION ON SENATE BILL 109: Amendments were submitted by John Hollow, Legislative Council and discussed by the committee. There were other amendments which are explained in the standing committee report which is enclosed. One amendment moved by Senator Towe on page 9, line 25, changing $25 back to the original amount of $250 passed by majority, dissention by Senator Story and Senator Ryan.

It was moved that this bill DO PASS, AS AMENDED, with a no vote from Senator Hafferman.

Chairman Story announced the appointments to boards will be heard Monday at 9:00 a. m.

ADJOURNMENT: 11:40

STANDING COMMITTEE REPORT

FEBRUARY 20 19 81

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 481

SENATE

Respectfully report as follows: That Bill No. 481

DOJ ASS

SENATOR PETE STORY Chairman.

STATE PUB. CO.
Helena, Mont.

STATUS SHEET

STATE ADMINISTRATION COMMITTEE MARCH 5 #2

47 Legislature

Bill No.	Subject matter	Date In	Sponsor	Hearing Date	Committee Action	Date Ou
SB 455	REQUIRING NOTIFICATION OF NONPROFIT CORP. OF EXPIRATION OF THEIR CORPORATE EXISTENCE; PROVIDING FOR REINSTATEMENT OF EXPIRED NONPRO. CORP...	3/3	JOHNSON	3/17/81	BE CONCURRED IN	3/17/8
SB 463	UNIFORM COMP. & TRAVEL EXP. FOR BOARDS OF ..... see bill	3/3	S. BROWN	3/17/81	BE CONCURRED IN AS AMENDED	3/17/81
SB 467	REESTABLISH BOARD OF SPEECH PATHOLOGISTS & AUDIOLOGISTS FOR 6 YEARS UNDER EXISTING STATUTORY AUTH. & RULES...	3/3	REGAN	3/19/81	BE CONCURRED IN	3/19/81
SB 481	REPEAL SECTION 2-15-1703 & SECTION 39-51-306 MCA	3/3/81	STORY	3/12/81	BE CONCURRED IN AS AMENDED	3/12/81
SJR 8	REQUESTING INTERIM STUDY ON USE OF GRANTS & CONTRACTED SERVICES BY STATE GOV.	3/3	KEATING	3/18/81	BE CONCURRED IN AS AMENDED	3/19/81
SJR 9	DIRECTING ESTABLISHMENT OF COMMITTEE CONSISTING OF LEG. & PUB. MEMBERS TO DIRECT TRANSITION OF THE OFFICE OF CODE COM.	3/3	TURNAGE	3/16/81	BE NOT CONCURRED AS AMENDED	3/16/8

Form CS-32
1-79

STATE ADMINISTRATION
MARCH 12, 1981
RM 436

The meeting of the House State Administration Committee was called to order at 8:00 a.m. on March 12, 1981, with Chairman Jerry Feda presiding. All members were present except Representatives Azzara and O'Connell.

Chairman Feda opened the meeting to a hearing on SB 308.

SENATE BILL 308-SPONSOR, Senator Himsl, introduced this bill requested by the Legislative Audit Committee which clarifies the disposition of fees collected by the clerk of the Montana Supreme Court. Except as otherwise provided by law, three-fourths of all fees are deposited in the state general fund; the remaining one-fourth is paid to the Judges' Retirement System. A copy of Senator Himsl's prepared testimony is attached and is EXHIBIT 1 of the minutes.

PROPONENTS

There were no proponents.

OPPONENTS

There were no opponents.

QUESTIONS BY THE COMMITTEE:

There were no questions.

Senator Himsl closed the hearing on SB 308.

SENATE BILL 481-SPONSOR, Senator Story, introduced this bill requested by the Senate State Administration Committee. This bill abolishes the Employment Security Division and its bureaus within the Department of Labor and Industry and transfers the functions of the division and bureaus to the Department. It also amends certain sections of the law to reflect this change.

PROPONENTS

DAVID HUNTER, Department of Labor, stated that the purpose of this bill is to provide flexibility within the department in order that centralized services may be combined. Under the current law the Employment Security Division is under the authority of its director. Mr. Hunter said that the question will be asked, what happens to the division administrator. He said that a deputy director

SB 481 (cont.)

position will be required and Mr. Barrett (administrator for ESD) will be offered this position.

FOREST BOLES, Montana Chamber of Commerce, arose in opposition to this bill. He said that he agrees with Mr. Hunter's ideas of consolidation and cost cutting but feels this can be accomplished without taking away the autonomy of this division. He stated that he is worried about what this bill might do to the employer representation.

ROBERT HELDING, Montana Wood Products Assoc., Missoula, and member of the advisory council for the Employment Security Division for 26 years, stated that this program has worked well in the past and why should we change something that is working well. He also stated that the division is supported by employer money. He said that he believes the federal Employment Security Division would have to approve a change like this. He said that attempts in the past to "co-mingle" the Employment Security Division and the Workers' Compensation have failed.

QUESTIONS BY THE COMMITTEE:

Sales: Give me an idea of the total budget and the total number of employees in the division.

Hunter: There are a total of 935 employees in the Department and out of those 701 work for the Employment Security Division. The Department budget is approximately twenty million dollars, however, if you include the unemployment trust funds it would be much higher.

Dussault: What are the repealers for?

Hunter: They repeal the sections that state there shall be a division and a division administrator and there shall be a bureau and a bureau administrator.

Sales: Mr. Boles, why are you concerned about this change in the policy.

Boles: Mr. Barrett will become a deputy director instead of the administrator of the division for one thing.

Hunter: In regard to Mr. Boles concern about the federal approval. I have submitted this bill along with a cover sheet to the federal Dept. of Labor and they do not anticipate any problems.

Senator Story closed the hearing on SB 481.

SENATE BILL 309-SPONSOR, Senator Steve Brown, introduced this bill requested by the Legislative Audit Committee. This bill requires a person, firm, corporation, or association that performs background reviews, complaint investigations, or peer reviews with a state professional and occupational licensing board to make available to the board and the legislative auditor all records or other information compiled during the review or investigation. He stated that the Audit Committee does not care who performs the audit but they want the information collected available to them and the board. He said that without this bill it becomes a delegation of the association as to whether these reviews are valid. He also said that the long term solution to this problem would be to require that the Department of Professional and Occupational Licensing have one or two investigators on staff.

PROPONENTS

There were no other proponents.

OPPONENTS

There were none.

QUESTIONS BY THE COMMITTEE:

Spilker: Are you going to have problems with the "right to privacy"?

Brown: No, I do not believe we will. We will not release any of the information and we will only require information pertaining to the investigation.

Senator Brown closed the hearing on SB 309.

SENATE BILL 407-SPONSOR, Senator Steve Brown, introduced this bill requested by the Legislative Audit Committee, which grants rulemaking authority to each licensing board allocated to the Department of Professional and Occupational Licensing to adopt rules specifying grounds for disciplinary action and the type of action that may be taken. A board may also file for a court injunction prohibiting a person from practicing a regulated profession or occupation until he is licensed to practice.

EXECUTIVE SESSION (cont.)

Representative Keyser was assigned to carry SB 155 in the House.

SENATE BILL 308 — BE CONCURRED IN

Representative Kropp made a motion that SB 308 BE CONCURRED IN. A vote was taken and carried unanimously.

Representative Kropp was assigned to carry SB 308 in the House.

SENATE BILL 309 — BE CONCURRED IN

Representative Kropp moved a BE CONCURRED IN on SB 309. Discussion on the motion followed.

A vote was taken and carried with 15 YES, 2 NO, and 2 absent. Representatives Feda and Sales voted no.

Representative Winslow was assigned to carry SB 309 in the House.

SENATE BILL 407 — BE CONCURRED IN

Representative McBride said that this would eliminate having several separate pieces of legislation.

Representative Mueller moved that SB 407 BE CONCURRED IN. A vote was taken and carried with 13 YES, 4 NO and 2 absent. Representatives Briggs, Smith, Sales and Feda voted no.

Representative Winslow was assigned to carry SB 407 in the House.

SENATE BILL 481 — BE CONCURRED IN AS AMENDED

Lois Menzies, staff researcher, said that there should be an amendment to the title that would list the amended sections of the bill.

EXECUTIVE SESSION (Cont.)

The amendment would read as follows:
Title, line 10.
Following: "REPEALER"
Insert: "; AMENDING SECTIONS 39-51-307, 39-51-503, AND 39-51-2410, MCA"

Representative Sales moved the amendment. A vote was taken and carried unanimously.

Representative Hanson made a motion that SB 481 BE NOT CONCURRED IN AS AMENDED. He said that it was pointed out that the system is working well the way it is now.

Representative Hanson said that he was suprised that the Chamber of Commerce was against this bill that would save money.

Representative Phillips said that he thought there was more to this bill then the committee was told. He suggested that the committee hold the bill and try to get further information.

Representative Dussault said that there could be more to it but she doubted if there was. She said that long time members of the board are probably just nervous about a new administration.

Representative Pistoria made a motion to hold the bill. A vote was taken and failed.

Representative Spilker made a substitute motion that SB 481 BE CONCURRED IN AS AMENDED. A vote was taken on the motion and carried with 10 YES, 7 NO and 2 absent. See roll call vote sheet for vote.

Representative Dussault was assigned to carry SB 481 in the House.

SENATE BILL 181

Representative Kanduch requested that a sub-committee be set up on SB 181 to work with a sub-committee in the Senate on HB 329. They may be able to consolidate the bills.

Chairman Feda appointed Representatives Spilker, Kanduch and Hanson to the sub-committee.

VISITORS' REGISTER

HOUSE STATE ADMINISTRATION COMMITTEE

BILL SB 481 Date 3/12/81

SPONSOR STORY

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOSE
David Hunter	Helena	Dept of Labor	✓	
J.H. Boles	Helena	Mont Chamber		✓
Bob Helding	Missoula	Mt. Wood Products		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-33

STATE ADMINISTRATION 3/12/81

HOUSE AMENDMENT TO SB 481

1. Title, line 10.
Following: "REPEALER"
Insert: "; AMENDING SECTIONS 39-51-307, 39-51-503, AND 39-51-2410, MCA"

SENATE BILL NO. 481

INTRODUCED BY STORY

BY REQUEST OF THE SENATE COMMITTEE ON STATE ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL SECTION 2-15-1703, MCA, WHICH CREATED THE DIVISION OF EMPLOYMENT SECURITY WITHIN THE DEPARTMENT OF LABOR AND INDUSTRY, AND SECTION 39-51-306, MCA, WHICH CREATED CERTAIN BUREAUS WITHIN THE DIVISION; AND TO GENERALLY REVISE LAWS TO CONFORM TO THE REPEALER; AMENDING SECTIONS 39-51-307, 39-51-503, AND 39-51-2410, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Division of employment security and certain bureaus -- name change. The division of employment security and its bureaus created in 2-15-1703 and 39-51-306 are abolished. Their functions are continued in the department of labor and industry provided for in Title 2, chapter 15, part 17. Unless inconsistent with this act, any reference in the MCA to "division of employment security", "division" (of employment security), or any bureau of the division of employment security, including "Montana state employment service bureau" or "unemployment insurance bureau", is changed to "department of labor and industry" or "department" (of labor and industry). Consistent with the intent of this section and without changing the meaning, the code commissioner shall remove any redundancies caused by such name changes.

Section 2. Section 39-51-307, MCA, is amended to read:

"39-51-307. ~~Division~~ Department to create ~~state~~ employment service. (1) The ~~division~~ department shall ~~create a bureau to be known as the Montana state employment service, which bureau shall~~ establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this chapter and for the purpose of performing such duties as are within the purview of the act of congress entitled, "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113; U.S.C. Title 29, Sec. 49 (c)), as amended. ~~The bureau shall be administered by a full-time salaried director.~~

(2) The ~~division~~ department shall be charged with the duty to cooperate with any official or agency of the United States having power or duties under the provisions of the act of congress, as amended, and to do and perform all things necessary to secure to this state the benefits of the act of congress, as amended, in the promotion and maintenance of a system of public employment offices.

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(3) The provisions of the act of congress, as amended, are hereby accepted by this state in conformity with section 4 of said act, and this state will observe and comply with the requirements thereof. The ~~employment-security-division~~ department is hereby designated and constituted the agency of this state for the purpose of said act. ~~The-division-is directed-to-appoint--the--personnel--of--the--Montana--state employment-service.~~

(4) For the purpose of establishing and maintaining free public employment offices, the ~~division~~ department is authorized to enter into agreements with any political subdivisions of this state or with any private, nonprofit organization and as a part of any such agreement the ~~division~~ department may accept money, services, or quarters as a contribution to the employment service account."

Section 3. Section 39-51-503, MCA, is amended to read:

"39-51-503. Agreements with railroad retirement board. The ~~division~~ department is hereby authorized to cooperate with and enter into agreements with the railroad retirement board with respect to establishment, maintenance, and use of ~~Montana--state~~ employment service facilities and to make available to the railroad retirement board the records of the ~~division~~ department relating to employer's status and contributions received from employers covered by the Railroad Unemployment Insurance Act, together with employee

wage records and such other data as the railroad retirement board may deem necessary or desirable for the administration of the Railroad Unemployment Insurance Act (52 Stat. 1094). Any money received by the ~~division~~ department from the railroad retirement board or any other governmental agency with respect to the establishment, maintenance, and use of ~~state~~ employment service facilities shall be paid into and credited the proper division of the unemployment insurance administration fund set up and established under 39-51-406 and 39-51-407."

Section 4. Section 39-51-2410, MCA, is amended to read:

"39-51-2410. Finality of board's decision -- judicial review. (1) Any decision of the board in the absence of an appeal therefrom as herein provided shall become final 30 days after the date of notification or mailing thereof, except in the case of the ~~division~~ department when such decision becomes final 20 days following the board's decision, and judicial review thereof shall be permitted only after any party claiming to be aggrieved thereby has exhausted his remedies before the board. The ~~division~~ department shall be deemed to be a party to any judicial action involving any such decision and may be represented in any such action by an attorney employed by the ~~division~~ department or at the ~~division's~~ department's request, by the

attorney general.

(2) Within 30 days after the date of notification or mailing of the decision of the board, any party aggrieved thereby may secure judicial review thereof by commencing an action in the district court of the county in which said party resides and in which action any other party to the proceeding before the board shall be made a defendant. In such action a petition, which need not be verified but which shall state the grounds upon which a review is sought, shall be served upon the ~~administrator--of-the-division-or-the administrator's~~ commissioner of labor and industry or his designee and such service shall be deemed completed service on all parties, but there shall be left with the party so served as many copies of the petition as there are defendants and the ~~division~~ department shall forthwith mail one such copy to each such defendant.

(3) With its answer, the ~~division~~ department shall certify and file with said court all documents and papers and a transcript of all testimony taken in the matter, together with the board's findings of fact and decision. The board may also in its discretion certify to such court questions of law involved in any decision by it.

(4) Whenever the ~~division~~ department seeks review of a decision of the board, all interested parties shall be served with a copy of its petition together with all

documents filed with the court.

(5) In any judicial proceeding under 39-51-2406 through 39-51-2410, the findings of the board as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive and the jurisdiction of said court shall be confined to questions of law. Such action and the questions so certified shall be heard in a summary manner and shall be given precedence over all other civil cases except cases arising under the workers' compensation law of this state.

(6) An appeal may be taken from the decision of the district court to the supreme court of Montana in the same manner, but not inconsistent with the provisions of this chapter, as is provided in civil cases. It shall not be necessary in any judicial proceeding under this section to enter exceptions to the rulings of the board and no bond shall be required for entering such appeal. Upon the final determination of such judicial proceeding, the ~~division~~ department shall enter an order in accordance with such determination."

Section 5. Repealer. Sections 2-15-1703 and 39-51-306, MCA, are repealed.

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